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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,940	07/25/2003	Gautam G. Reddy	I-2-0370.1US	3781

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EXAMINER

AFSHAR, KAMRAN

ART UNIT PAPER NUMBER

2681

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,940

Applicant(s)

REDDY, GAUTAM G.

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/09/2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Examiner acknowledge that applicant cancelled claims 1-8.
2. The indicated allowability of claims 9-36 are withdrawn in view of the newly discovered reference(s) to Kallio (U.S. Pub. No.: 2002/0147008 A1), Fraccaroli (U.S. Patent 6,549,768 B1, Vazvan (U.S. Patent 6,400,946 B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

3. Claim 12 recites the limitation "the WTRU" in 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallio (U.S. Pub. No.: 2002/0147008 A1) in view of Fraccaroli (U.S. Patent 6,549,768 B1) further in view of Vazvan (U.S. Patent 6,400,946 B1).

With respect to claims 9, 18, 27, Kallio discloses system and / or method for handover of a mobile unit between a cellular network and a wireless local area network (WLAN) (See e.g. GSM network, WLAN of Fig. 1) comprising: means for communicating between a WLAN and a cellular network; means for communicating between the mobile unit and the cellular network; means for communicating between the mobile unit and the WLAN (See e.g. 210, 230, 310, 320, 120, 110, 100, 150 of Fig. 1); means for

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informing (See e.g. the mobile unit of the existence of the WLAN when the mobile unit approaches the coverage area of the WLAN; and means for handing over (See e.g. handoff, handover module / handover algorithm, Page 1, ¶ [0012]) the mobile unit (i.e. by definition: A wireless transmit and receive unit (WTRU) and / or multimode or dual-mode mobile) between the cellular network and the WLAN (See e.g. ¶ Pages 2-3, ¶ [0024] when the mobile unit is in the corresponding coverage area (See e.g. WLAN cell or coverage area, Page 4, ¶ [0036]). Further, Kallio discloses the system provides the location update to the mobile unit (See e.g. Page 1, ¶ [001]). In an analogous field of endeavor, Fraccaroli discloses means for determining the location of the mobile unit and / or the WLAN coverage area (See e.g. Co. 3, Lines 20-23). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Fraccaroli to Kallio wherein the position determination could be utilized by any one of several well known methodologies: network-based positioning, mobile-based positioning, or a hybrid position architecture (See e.g. Co. 6, Lines 34-37) so that to achieve a position fix in the cellular network and / or a WLAN where the location area size (e.g. coverage area, zone, cell, etc.) is smaller than the area of one cell (See e.g. Co. 6, Lines 38-45). The motivation comes from Vazvan to provide an integrated a multimode universal mobile telecommunications system, which a subscriber may choose between systems, services and connections on the basis of the price, quality, capacity or other criteria (See e.g. Co. 1, Lines 5-15) via a handoff acceptance device (See e.g. PQ selection system / method / module, etc. Co. 7, Lines 17-21) for accepting a handing over (See e.g. Co. 4, Lines 55-60) of the WTRU from the cellular network to the local network (See e.g. Co. 7, Lines 58-48).

Regarding claims 10, 19, 28, the handoff acceptance device responds to a handoff from the cellular network to the WLAN (See Vazvan e.g. PQ selection system / method / module, Co. 7, Lines 17-21) when the WTRU has a geo-location and / or in the coverage area of the WLAN (See Fraccaroli e.g. coordinated, latitude and longitude Co. 7, Lines 58-63).

Regarding claims 11, 20, 29, kallio discloses handing over the mobile unit between the cellular network and the WLAN provides a handoff from the WLAN to the cellular network (See e.g. handoff, handover module / handover algorithm, Page 1, ¶ [0012]) when the determined location (See e.g. location

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update, location area change, etc. Page 4, ¶ [0036]) of the mobile unit indicates the mobile unit leaving the coverage area of the WLAN (See e.g. ¶ [0037]).

Regarding claims 12, 30, kallio discloses to indicate the availability of WLAN (See e.g. Page 4, ¶ [0036]).

Regarding claims 13, 31, Vazvan discloses indicating the availability of WLAN coverage and further information concerning the WLAN coverage, the further information comprising one of cost, speed of the network, and user services offered by the WLAN (See e.g. Co. 7, Lines 38-47, Co. 8, Lines 17-25).

Regarding claims 14, 32, Vazvan discloses provide user acceptance of communication through the WLAN in response to the data indicating the availability of WLAN coverage and the further information (See e.g. Co. 8, Lines 17-25).

Regarding claims 15, 24, 34, Vazvan discloses means to provide data to the WTRU to indicate the availability of WLAN coverage and further information (See e.g. Data rate, price, speed, etc.) concerning the WLAN coverage (See e.g. Co. 8, Lines 5-10), the further information comprising one of cost, speed of the network, and user services offered by the WLAN (See e.g. Co. 8, Lines 12-25); and means to provide user selection of the WLAN in response to the data indicating the availability of WLAN coverage and the further information (See e.g. Co. 7, Lines 38-47), wherein the user may pre-select acceptance of communication through the WLAN according to the further information, prior to the receipt by the WTRU of the further information (See e.g. Co. 8, Lines 37-43).

Regarding claims 16-17, 25-26, 35-36, Vazvan discloses means (See e.g. PQ selection, Co. 7, Lines 17-21, Circuit Co. 8, Lines 50-54) to provide user selection of the WLAN in response to the data indicating the availability of WLAN coverage (See e.g. Co. 7, Lines 38-47) and the further information (See e.g. Data rate, price, speed, etc.), wherein the user may pre-select acceptance of communication with the cellular network, prior to handoff from the WLAN to the cellular network (See e.g. Co. 8, Lines 37-43).

Regarding claim 21, Vazvan discloses a circuit to receive data indicating the availability of WLAN coverage and at least one further aspect of the WLAN coverage (See e.g. Co. 8, Lines 50-53).

Regarding claim 22, Vazvan discloses a circuit to receive data indicating the availability of WLAN coverage and further information concerning the WLAN coverage (See e.g. Co. 8, Lines 50-53), the further information comprising one of cost, speed of the network, and user services offered by the WLAN (See e.g. Co. 8, Lines 17-24).

Regarding claim 23, Vazvan discloses a circuit to provide (See e.g. Co. 8, Lines 50-53) user acceptance (See Vazvan e.g. PQ selection system / method / module, Co. 7, Lines 17-21) of communication through the WLAN in response to the data indicating the availability of WLAN coverage and the further information (See e.g. Co. 7, Lines 38-47).

Regarding claim 33, the WLAN interacting with the cellular network to provide the cellular network with data concerning coverage of at least one WLAN in the core network (See Kallio e.g. Figs. 1-5) and services offered by WLAN to the mobile units (See Vazvan e.g. Co. 8, Line 23-25).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Baw (U.S. Pub. No.: 2004/0105434 A1), which discloses Ethercell.

b) Dorenbosch (U.S. Pub. No.: 20050048977 A1), which discloses System and method to improve WLAN handover behavior and phone battery life when stationary in border cells.

c) Korus (U.S. Pub. No.: 2003/0095522 A1), which discloses Method and apparatus for a mobile node to maintain location privacy from selected correspondent nodes.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar

8/123/2005

JEAN GELIN
PRIMARY EXAMINER

